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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/687,584      | 10/13/2000  | Shoichi Gotoh        | MTS-3213US          | 9419             |

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EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/687,584

Applicant(s)

GOTOH ET AL.

Examiner

Andrew Y. Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1, 3-11, 12/3, 12/5-10, 13-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 12/2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/04, 8/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

The applicant has responded by electing specie 2 of figure 2 (claim 2 and claim 12/2). Consequently, the examiner notes that claims 1, 3-11, 12/3, 12/5-10, 13-28 are withdrawn.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 12/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 924 935 to Fukushima et al. (hereinafter Fukushima).

Regarding claim 2, Fukushima teaches a multi-channel display data generating apparatus for generating data for displaying audio and video (AV) data of a plurality of channels on a multi-screen (col. 1, para. 0001, col. 2, para. 0010) comprising a main screen for displaying the video and small screens for other video images (claimed subsidiary screen for displaying the AV data (col. 2, para. 0010). Fukushima teaches input means for inputting AV data of a plurality of channels being transferred using a transport packet of a transport stream (col. 1, para. 0006-0007, col. 7-8, para. 0039).

Fukushima teaches a PLL means for establishing PLL synchronization by using the extracted PCR (col. 7-8, para.0039)

As shown in figure 4, Fukushima teaches a PCR extracting means for extracting the PCR of the channels displayed on screen (fig. 4, col. 7, para. 0039). Fukushima teaches a STC counter for counting the time of the channel displayed on the main screen (fig. 4, labels. 103-106).

Further, Fukushima teaches AV decoding means for AV decoding the AV data of the channel displayed on the main screen in AV synchronization with the STC counter means using the oscillation frequency of the PLL (see fig. 4, labels 115-118, see also figure 12, col. 7-8, para. 0039-0040, col. 15, para. 0071, col. 18, para. 0081). Further, Fukushima teaches deriving a clock from the first video decoder for decoding the AV data of the channel displayed on the subsidiary screen out of AV synchronization, and the clock is non-synchronized with a plurality of video decoders.

Fukushima teaches output means for outputting said AV-decoded AV data, and displaying the data on a screen showing multiple images (claimed multi-screen) (col. 2, para. 0010).

Fukushima teaches displaying the multiple images on a display, but is silent on displaying the voice (e.g. audio) of the main screen and not playing the audio from a subsidiary screen. Official Notice is taken that playing the voice (e.g. audio) from the main screen and not playing the audio from a subsidiary screen is well known in the art, such as not playing the audio for the picture in/on picture (PIP/POP) display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fukushima by playing the voice (e.g. audio) from the main screen and not playing the audio from a subsidiary screen in order to play the audio from the

main screen for the benefit of enabling the user to view and listen to programming on the main screen while viewing a smaller image of another program for visual events.

Regarding claim 12/2, Fukushima teaches a PLL with a voltage controlled oscillator (VCO), which inherently has a counter for counting by using the oscillation frequency generated by an oscillator, calculating and retaining a first different of the PCR of a channel extracted by the PCR extractor and calculating a second different between the PCR of said channel to be PLL synchronized subsequently by the PCR extractor and counter, and controlling the oscillation frequency to reduce the difference between the first and second difference (col. 7-8, para. 0039-0040).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

European Patent Application EP 0 566 092 teaches a system for selecting the desired channel for listening to the audio (col. 6, ll. 29-52, col. 10, ll. 29-43, fig. 6).

U.S. Patent 5,633,683 to Rosengren et al. teaches providing mosaics to the user for easy selection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'ayk' or similar, written in a cursive style.

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